

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2000-0054-T - ORDER NO. 2000-0414

MAY 5, 2000

IN RE: Application of Lydell Keith & Subar Jabbar) ORDER GRANTING
DBA J & L Moving Company, 528) CLASS E CERTIFICATE
Newburgh Drive, Columbia, SC 29203)
(Mailing Address: Post Office Box 4244,)
Columbia, SC 29204), for a Class E)
Certificate of Public Convenience and)
Necessity.)

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of Lydell Keith and Subar Jabbar DBA J & L Moving Company (J&L), 528 Newburgh Drive, Columbia, SC 29203 for a Class E Certificate of Public Convenience and Necessity to transport commodities as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Richland and Lexington Counties to points and places in South Carolina.

The Commission's Executive Director instructed J&L to publish a Notice of Filing in a newspaper of general circulation in the service area desired. The Notice of Filing instructed the public as to how to file pleadings to participate in the proceedings on the Application. Petitions to Intervene were filed by Carey Moving & Storage, Inc., Carey Moving & Storage of Greenville, Inc., and Arrow Moving & Storage, Inc. We granted the Intervenors' request to withdraw their Petitions on April 5, 2000 in Order No. 2000-0329.

A hearing was held on J&L's Application on April 27, 2000 at 10:30 AM in the offices of the Commission. The Honorable Philip T. Bradley, Chairman, presided. Lydell Keith and Subar Jabbar appeared pro se. The Commission Staff was represented by F. David Butler, General Counsel.

J&L presented the testimony of Lydell Keith, Subar Jabbar, Australia Rush, and Shon Redden. Lydell Keith stated that he has worked for other moving companies in the past, and has completed office and household moves. Keith noted that he and his partner would work nights and weekends, and, if necessary, would provide 24 hour emergency service. Keith testified that he and his partner intended to do work for the Columbia Housing Authority, and that they owned a 25 foot truck. Keith noted that there were no judgments against the business. He said that they intended to advertise their services, if granted authority, via radio and newspaper ads. Keith noted that J&L was seeking authority to transport household goods between points and places in Richland and Lexington Counties to points and places in South Carolina.

Subar Jabbar testified that he has been in charge of moves for a mover at Benedict College for the last three to four years, and has additional experience in the moving business. Jabbar noted that he and his partner intended to serve people that were generally underserved with moving services.

Shipper witnesses presented were Australia Rush and Shon Redden. Australia Rush, an employee of the USC School of Medicine, testified that J&L moved her office, and that they were willing to work nights and weekends to get the job done. Rush also testified that J&L did a good job on the move, and that she believed that there was a

market for household goods movers that would work nights and weekends. Shon Redden of the Columbia Housing Authority also testified. J&L performed an office move for Mr. Redden, and performed it well. Redden noted that he attempted to contact other movers who would work at night, but that he could not find many who would do so. J&L agreed to work at night as needed. Redden testified that he believed that there was a market for movers such as J&L in the household goods area who would work at night, and, generally on a 24 hour basis.

S.C. Code Ann. Section 58-23-590(C)(Supp. 1999) states that the Commission shall issue a common carrier certificate of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the Commission's regulations and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

Upon consideration of the matter, we find that the Applicant has demonstrated that it is fit, willing, and able to perform the services sought. The testimony of Keith and Jabbar reveals that J&L is fit, willing, and able under the standards contained in Regulation 103-133. Further, we find that the testimony of Rush and Redden indicate that the proposed service is required by the present public convenience and necessity.

Based upon the record before the Commission and the statutory requirements along with the guidelines contained in the Commission's regulations, we find sufficient evidence to grant the application and there grant J&L a Class E Certificate of Public Convenience and Necessity for the movement of household goods as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in Richland and Lexington Counties
To points and places in South Carolina.

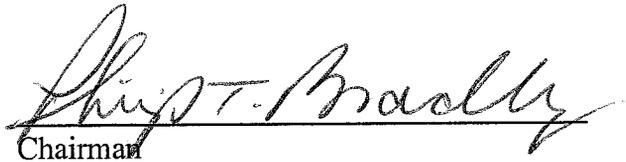
This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED THAT:

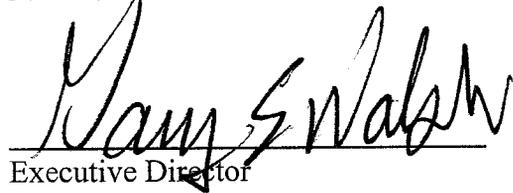
1. The application of Lydell Keith & Subar Jabbar DBA J & L Moving Company for a Class E Certificate of Public Convenience and Necessity be, and hereby is, approved for authority to transport household goods between points and places in Richland and Lexington Counties to points and places in South Carolina.
2. That the Applicant file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.
3. That upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, a certificate shall be issued to the Applicant authorizing the motor carrier service granted herein.
4. That prior to compliance with such requirements and receipt of a certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)